

The opinion in support of the decision being  
entered today is not binding precedent of the Board.

Paper 22

Filed by: Trial Section Merits Panel  
Box Interference  
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Filed  
December 18, 2002

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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YOSHINORI SHIMIZU, KENSHO SAKANO,  
YASUNOBU NOGUCHI, and TOSHIO MORIGUCHI

Junior Party,  
(Patent 6,069,440),

v.

ULRIKE REEH, KLAUS HOHN, NORBERT STATH,  
GUNTER WAITL, PETER SCHLOTTER,  
JURGEN SCHNEIDER, and RALF SCHMIDT

Senior Party,  
(Application 09/828,727)

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Patent Interference No. 104,846

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Before SCHAFFER, MEDLEY and TIERNEY, Administrative Patent Judges.  
MEDLEY, Administrative Patent Judge.

**JUDGMENT PURSUANT TO 37 CFR § 1.662**

Upon consideration of the REQUEST UNDER 37 CFR 1.662(a)  
(Paper 21), in which party Reeh abandons the contest, it is

**ORDERED** that judgment on priority as to Count 1 (Paper 1, page 5) is awarded against senior party ULRIKE REEH, KLAUS HOHN, NORBERT STATH, GUNTER WAITL, PETER SCHLOTTER, JURGEN SCHNEIDER, and RALF SCHMIDT.

**FURTHER ORDERED** that senior party ULRIKE REEH, KLAUS HOHN, NORBERT STATH, GUNTER WAITL, PETER SCHLOTTER, JURGEN SCHNEIDER, and RALF SCHMIDT is not entitled to a patent containing claims 34-45 (corresponding to Count 1 respectively) of application 09/828,727, filed 9 April 2001.

**FURTHER ORDERED** that a copy of this paper shall be made of record in files of application 09/828,727 and U.S. Patent 6,069,440.

**FURTHER ORDERED** that if there is a settlement agreement,  
attention is directed to 35 U.S.C. § 135(c) and 37 CFR § 1.661.

<u>RICHARD E. SCHAFER</u>	)	
Administrative Patent Judge	)	
	)	
	)	
	)	BOARD OF PATENT
<u>SALLY C. MEDLEY</u>	)	APPEALS AND
Administrative Patent Judge	)	INTERFERENCES
	)	
	)	
	)	
<u>MICHAEL P. TIERNEY</u>	)	
Administrative Patent Judge	)	

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